



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 21, 2013

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Docket No. 2013-1598-SIP
Project No. 2013-059-SIP-NR

Mr. Ron Curry
Regional Administrator
U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Curry:

On September 24, 2013, the Texas Commission on Environmental Quality (Commission) considered the resubmittal and withdrawal of previously submitted rules implementing the Commission's Flexible Permit Program, as well as specific portions of rule amendments for the Flexible Permit Program adopted by the Commission on December 14, 2010, for consideration by the United States Environmental Protection Agency (EPA) as revisions to the State Implementation Plan (SIP).

Specifically, the Commission took the following action with regard to the following sections in 30 Texas Administrative Code (TAC), Chapter 116:

1. Resubmittal for EPA consideration of:
 - § 116.13;
 - § 116.110(a)(3), adopted June 17, 1998; and
 - §§ 116.710 - 116.760, adopted or amended by the Commission on November 16, 1994; June 17, 1998; September 2, 1999; August 9, 2000; March 7, 2001; August 21, 2002; September 25, 2002; and August 20, 2003, except as modified by the list of sections listed below to be either withdrawn, or as amended by the Commission on December 14, 2010.
2. Withdrawal from EPA consideration of sections adopted by the Commission between 1994 and 2003 to the SIP:
 - § 116.711(3) (last sentence only) and (11), as amended August 21, 2002, and all earlier versions;
 - § 116.715(a), only with regard to the text "or Subchapter C of this chapter (relating to Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources (FCAA §112(g), 40 CFR Part 63))", as amended August 21, 2002, and all earlier versions;
 - § 116.715(c)(6) as amended August 20, 2003 and all earlier versions;
 - § 116.716(a) and (d), as adopted November 16, 1994;
 - § 116.730, adopted November 16, 1994, and repealed and readopted June 17, 1998;
 - § 116.740(b), adopted June 17, 1998 and amended September 2, 1999;

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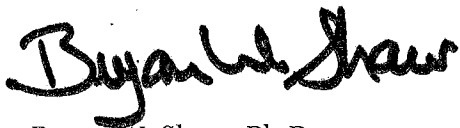
Re: Docket No. 2013-1598-SIP, Project No. 2013-059-SIP-NR

- §§ 116.793 - 116.802 and 116.804 - 116.807, adopted May 22, 2002, except §§ 116.794(11), 116.795(f) and 116.799(a), which were returned to the Commission by letter from EPA dated June 29, 2011; and
 - § 116.803, adopted August 21, 2002.
3. Adoption and submittal as a revision to the SIP § 116.765(b) and (c), and the submittal of the following sections adopted by the Commission on December 14, 2010, as revisions to the SIP:
- § 116.13(3) and (5);
 - § 116.711(2)(M) [introductory text], and paragraphs (iv) and (vii);
 - § 116.715(c)(5)(A) and (B);
 - § 116.715(c)(6)(A)(i) and (ii);
 - § 116.715(d), [introductory text] except the text "The permit shall specify which of the monitoring options under paragraph (2)(A) - (E) of this subsection shall be used to determine compliance for facilities subject to monitoring under this subsection";
 - § 116.715(d)(1);
 - § 116.715(f);
 - § 116.716(a), (c), (d) and (e); and
 - the repeal of § 116.716(d).

All of these rules are permanent and enforceable, including § 116.765(b) and (c), which set a compliance schedule for the amended rules adopted December 14, 2010.

The Commission requests that documents for the previously submitted rules, in EPA docket number EPA-RO6-OAR-2005-TX-0032, be included in the review of this current SIP submittal by the TCEQ. Enclosed are the proposed revisions to the SIP and the accompanying orders for the rulemaking adopted on December 14, 2010, and the current revised submittal. Although the Commission adopted other new and amended rules in 2010 which are necessarily part of the documents submitted, the Commission requests that you act only on the rules specifically listed in the SIP revision, which are repeated above and in the attached order. I look forward to your expeditious approval of these SIP revisions.

Sincerely,



Bryan W. Shaw, Ph.D.
Chairman

BWS/jbh

Enclosures

cc: The Honorable Rick Perry, Governor of Texas
Mr. Jonathan Stinson, Office of Budget, Planning and Policy, Office of the Governor
Mr. Zak Covar, Executive Director, Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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SEP 26 2013

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ORDER ADOPTING REVISIONS TO THE STATE IMPLEMENTATION PLAN

Docket No. 2013-1598-SIP
Project No. 2013-059-SIP-NR

On September 24, 2013, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered the resubmittal and withdrawal of previously submitted rules implementing the Commission's air quality Flexible Permit Program, and specific portions of rule amendments for the Flexible Permit Program rules adopted by the Commission on December 14, 2010, for submittal to the United States Environmental Protection Agency (EPA) for consideration as revisions to the state implementation plan (SIP). The Commission adopts the submittal, resubmittal and withdrawal of rules as revisions to the SIP. Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (Vernon 2011), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code.

The Commission resubmits for EPA consideration the following sections in 30 Texas Administrative Code (TAC): § 116.10(9)(E), as amended September 15, 2010, and all earlier versions of this portion of the definition; § 116.13 and § 116.110(a)(3), adopted June 17, 1998; and §§ 116.710 - 116.760, adopted or amended by the Commission on November 16, 1994; June 17, 1998; September 2, 1999; August 9, 2000; March 7, 2001; August 21, 2002; September 25, 2002; and August 20, 2003, except as modified by the list of sections listed below to be withdrawn, or submitted as amended by the Commission on December 14, 2010.

The Commission withdraws from EPA consideration as revisions to the SIP the following sections adopted by the Commission between 1994 and 2003: § 116.711(3) (last sentence only) and (11), as amended August 21, 2002, and all earlier versions; § 116.715(a), only with regard to the text "or Subchapter C of this chapter (relating to Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources (FCAA §112(g), 40 CFR Part 63))", as amended August 21, 2002, and all earlier versions; § 116.715(c)(6), as amended August 20, 2003, and all earlier versions; § 116.716(a) and (d), as adopted November 16, 1994; § 116.730, adopted November 16, 1994, and repealed and readopted June 17, 1998; § 116.740(b), adopted June 17, 1998 and amended September 2, 1999; §§ 116.793 - 116.802 and 116.804 - 116.807, adopted May 22, 2002, except §§ 116.794(11), 116.795(f) and 116.799(a), which were returned to the Commission by letter from EPA dated June 29, 2011; and § 116.803, adopted August 21, 2002.

the Texas SIP pursuant to the Federal Clean Air Act, codified at 42 U.S. Code Ann. §§ 7401 - 7671q, as amended.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Date issued: SEP 26 2013

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

A handwritten signature in black ink, reading "Bryan W. Shaw", is written over a horizontal line.

Bryan W. Shaw, Ph.D., Chairman